

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 02, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL F.,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No: 1:21-CV-03002-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 17. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Katherine B. Watson.

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND ~ 1

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
2 Motion for Remand, ECF No. 17, is **GRANTED**. The Commissioner's final
3 decision is reversed and remanded for further proceedings pursuant to sentence
4 four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security,
5 the Appeals Counsel should remand this case to the Administrative Law Judge
6 (ALJ). On remand, the ALJ shall do the following: (1) further develop the record
7 and obtain a complete opinion from consultative examiner, Dr. Billings; (2) re-
8 evaluate the opinion evidence; (3) offer the claimant an opportunity for a new
9 hearing and re-evaluate the claimant's symptom testimony in accordance with 20
10 C.F.R. §§ 404.1529, 416.929 and Social Security Ruling 16-3p; (4) re-evaluate the
11 claimant's residual functional capacity; (5) obtain supplemental vocational expert
12 testimony; and (6) issue a new decision.

13 The parties stipulate that this case be reversed and remanded to the ALJ on
14 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
15 matter is remanded to the Commissioner for additional proceedings pursuant to
16 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
17 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §
18 2412(d).

19 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
20 Judgment, **ECF No. 16**, is **DENIED** as moot, given the parties' motion for
21 remand.

1 The District Court Executive is hereby directed to enter this Order and
2 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
3 file.

4 **DATED** September 2, 2021.

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6 *s/ Rosanna Malouf Peterson*
7 ROSANNA MALOUF PETERSON
8 United States District Judge
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